



COMMUNITY CONVERSATIONS. RACIAL RECONCILIATION.

December 30, 2021

SENT VIA EMAIL: paul.sherman@dpi.wi.gov

Paul Sherman
Department of Public Instruction
Pupil Nondiscrimination Program
P.O. Box 7841
Madison, WI 53707-7841

Re: Appeal of Pupil Nondiscrimination Decision by Cedarburg School District, and Complaint Under Wis. Admin Code Ch. PI 8

Dear Mr. Sherman,

We are writing to you as residents of the Cedarburg School District and founders of Bridge the Divide, a Cedarburg-based grassroots organization focused on racial repair, reconstruction, and reconciliation. For years, Bridge the Divide has been attempting to engage the Cedarburg School District in a collaborative review of its curriculum based on concerns raised by many community members that the District was not providing students sufficient opportunities to learn about issues of race and diversity. Despite these efforts, the District did not make any changes to increase the diversity of its curriculum.

On July 14, 2021, Bridge the Divide filed a complaint with the Cedarburg School District under Wis. Admin Code § PI 9.04 alleging that the district has not met its duty under Wis. Admin. Code § PI 9.03(1)(e), Wis. Stat. § 118.01(2)(c)(7) and (8), and Wis. Stat. § 121.02(1)(h) and (l) to provide instructional materials and curriculum designed to foster appreciation and understanding of American cultural and racial diversity. The District investigated and, on December 3, 2021, issued a decision concluding that it was in compliance or partial compliance with these requirements. Copies of the original complaint, its attachments, and the District's decision are attached. The purpose of this letter is (1) to appeal this decision of the District pursuant to Wis. Admin Code § PI 9.08(1)(a)1, and (2) to complain under PI 8.02(1) that the district is out of compliance with the state School District Standards.

PI 9 Appeal

Wis. Stat. § 118.13(1) prohibits school districts from discriminating based on race and other protected categories in any curricular program. Wis. Stat. § 118.13(2)(a) requires school boards to develop written policies and procedures that ensure compliance with § 118.13(1). Wis. Admin. Code § PI 9.03 identifies many of the areas subject to the nondiscrimination policy, which

bridge the DIVIDE

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include selection of instructional and library materials, among others. However, the list in § 9.03 is illustrative and not exhaustive, and pupil nondiscrimination policy applies to all areas of district operations, including all aspects of curriculum. Wisconsin Department of Public Instruction, “District Responsibilities Under s. 118.13, Wis. Stats.,” *available at https://docs.legis.wisconsin.gov/code/admin_code/pi/9*.

Grounds for this appeal are, at this juncture, that the District has not provided any documentation or evidence in support of its assertions that it is in compliance with its nondiscrimination obligations regarding diverse curriculum and instructional materials. Without access to that evidence, it is not possible to test the strength of the district’s assertions. Further, the District has admitted that it is not in full compliance with some requirements and that it intends to take corrective action; however, without evidence, it is not possible to assess whether the District’s plans are reasonably likely to eliminate discriminatory deficiencies. We reserve the right to raise additional issues for appeal once the District has produced its evidence and we have had a reasonable opportunity to examine it.

PI 8 Complaint

Wisconsin Statute § 121.02 lays out the state School District Standards, which include requirements that each school board, among other things, “provide adequate instructional materials, texts, and library services which reflect the cultural diversity and pluralistic nature of American society,” Wis. Stat. § 121.02(1)(h), and “as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades,” Wis. Stat. § 121.02(1)(L)4. Wis. Admin. Code § PI 8.02 provides that the Department of Public Instruction “shall conduct an inquiry into compliance with the standards upon receipt of a complaint.” The District claims to be compliant with § 121.02(1)(h) but only “to a degree,” and admits that it is out of full compliance with § 121.02(1)(L)4. Further, as already discussed, the District has not provided evidence to support its self-assessment regarding these standards. We request that DPI conduct an independent inquiry into the District’s compliance with these standards.

Sincerely,

Erica Turner - Executive Director, Bridge the Divide
Heidi Wheeler - Associate Director, Bridge the Divide
W66 N732 Madison Ave
Cedarburg, WI 53012